

Message Text

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ACTION ARA-10

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E.O. 11652: N/A
TAGS: PINS, SHUM, AR
SUBJECT: SUPREME COURT ACTS ON PETITION ON DISAPPEARANCE CASES

REF: BUENOS AIRES 2744

1. THE SUPREME COURT ANNOUNCED (APR 19) THAT IT WILL ASK THE EXECUTIVE BRANCH TO INTENSIFY ITS INVESTIGATION INTO THE DISAPPEARANCE OF 425 PERSONS NAMED IN A GROUP PETITION PRESENTED TO THE COURT LAST WEEK. THE PETITION ASKED THAT THE COURT INVESTIGATE THE FAILURE OF HABEAS CORPUS WRITS TO PROVIDE INFORMATION ON THE STATUS AND WHEREABOUTS OF PERSONS WHO DISAPPEARED AFTER BEING DETAINED BY PERSONS CLAIMING TO BE SECURITY FORCES. ALTHOUGH THE COURT REITERATED ITS POSITION THAT IT DOES NOT HAVE JURISDICTION IN INDIVIDUAL HABEAS CORPUS REQUESTS (SUCH AS IN THE LEVITAN PETITION CASE), IT SAID IT WOULD URGE THE EXECUTIVE TO PRESS THE INVESTIGATIONS IN ORDER FOR JUDGES TO BE "IN CONDITION TO CARRY OUT THEIR CONSTITUTIONAL DUTY, RESOLVING, WITH THE NECESSARY EFFECTIVENESS THAT THE LAW DEMANDS, THE CASES WHICH COME UP BEFORE THEIR COURTS TO SAFEGUARD INDIVIDUAL LIBERTY AND EVENTUAL RESPONSIBILITIES IN CASE OF CRIME." THE COURT DECLARED IT HAD THE DUTY AND AUTHORITY TO HEAR APPEALS MADE TO IT AND TO GUARANTEE THE EFFICIENCY OF THE JUDICIAL FUNCTION, PARTICULARLY IN RELATION TO CONSTITUTIONAL RIGHTS AND GUARANTEES, AND RESERVED FOR ITSELF

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THE RIGHT TO RE-EXAMINE THE ISSUES PRESENTED BY THE PETITION AT A LATER DATE IF DETERMINED NECESSARY.

2. COMMENT: THE COURT'S RESPONSE, WHICH SKIRTED THE PETITIONERS' REQUEST THAT THE COURT CONDUCT ITS OWN INVESTIGATION INTO THE DISAPPEARANCE CASES AND THE EXECUTIVE BRANCH'S UNSATISFACTORY REPLIES TO HABEAS CORPUS WRITS, WAS NOT UNEXPECTED BY THE AUTHORS

OF THE PETITION. TWO OF THE EIGHT LAWYER SIGNATORIES HAD PRE-
DICTEDFTO EMBOFFS THAT COURT WOULD TAKE THE INTERMEDIATE STEP OF
URGING THE EXECUTIVE TO RESOLVE THE DISAPPEARANCE CASES OF THE 425
PERSONS NAMED RATHER THAN DIRECTLY CONFRONT THE EXECUTIVE ON THE
ISSUE OF DISAPPEARANCES AND FAULTY HABEAS CORPUS REPLIES. SOURCE
TOLD EMBOFF THAT COURT JUDGES ARE UNDER CONSIDERABLE PRESSURE FROM
ACQUAINTANCES AND COLLEAGUES TO TAKE ACTION ON BEHALF OF DISAP-
PEARED PERSONS. ANNOUNCING THAT IT RESERVES THE RIGHT TO RE-
EXAMINE THE QUESTION SIGNALS THAT THE COURT INTENDS TO ASSESS THE
EXECUTIVE'S RESPONSE TO ITS REQUEST FOR AN INTENSIFICATION OF THE
INVESTIGATIONS BEFORE DETERMINING ITS FINAL POSITION VIS-A-VIS
THE EXECUTIVE ON DISAPPEARANCE CASES AND WRITS OF HABEAS CORPUS.
HILL

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